



Universal Service Administrative Company

February 13, 2002

William F. Caton  
Federal Communications Commission  
Office of the Secretary  
236 Massachusetts Avenue, NE, Suite 110  
Washington, DC 20002

RECEIVED

FEB 13 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

96-451

Dear Mr. Caton:

As we discussed on the phone this morning, this letter supersedes the letter mailed to you on February 8, 2002, which was unsigned. If you have any questions or concerns, please feel free to call me on (202) 263-1619.

Sincerely,

A handwritten signature in cursive script that reads "Donna Faunce". The signature is fluid and matches the typed name below it.

Donna Faunce  
Analyst

Enclosure

No. of Copies rec'd 0  
List A B C D E



Universal Service Administrative Company  
Rural Health Care Division

February 8, 2002

RECEIVED

FEB 13 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. William F. Caton  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Room TW-A325  
Washington, DC 20554

RE: In the Matter of Requests for Review of Decisions of the Universal Service Administrator,  
Federal-State Joint Board on Universal Service, CC Docket No. 96-45;

Rural Health Care Universal Service Support Mechanism; Administrator's Referral of  
Appeal to Federal Communications Commission for Potential Waiver and Remand of  
Appeal received January 18, 2002 (dated January 16, 2002) concerning Rural Health Care  
Providers:

#11697 Stillaguamish  
#11711 Yakama Health Center  
#11713 Nooksack Tribal Health Center  
#11715 Neah Bay Health Center  
#11718 Tulalip Health Clinic  
#11719 Muckleshoot Tribal Clinic  
#11722 Sauk-Suiattle Health Clinic

Dear Mr. Caton:

The Universal Service Administrative Company (USAC), administrator of the Rural Health Care Universal Service Support Mechanism, has determined that its action or inaction improperly delayed the posting of FCC Form 465s for competitive bids on the Rural Health Care Division (RHCD) website, thereby adversely affecting seven Portland Area Indian Health Service applicants seeking universal service support.

The above-referenced applicants have appealed this delay to USAC in accordance with 47 C.F.R. § 54.719 and the resulting reduction in support that it will cause. Pursuant to the Commission's regulations; however, USAC is constrained from providing Applicants with a remedy under the circumstances presented here. Therefore, in the interest of equity and administrative efficiency, USAC believes that the appropriate course of action is for USAC to transmit the above-referenced applicants' appeals directly to the Commission with a request that the Commission consider

granting a waiver of program rules and remand the appeal to USAC for reconsideration. USAC has followed this procedure in past instances of administrator error or omission. *See In the Matter of Request for Waiver by Runnemede Public Schools, Runnemede, New Jersey* (rel. Dec. 21, 1999).

The circumstances giving rise to this matter are as follows:

RHCD received 34 FCC Form 465s from the Portland, Oregon Indian Health Service office on June 28, 2001. RHCD found that several of the applications had invalid address information, which prevented verification that the sites were rural, or determination of their distance to the nearest large city. Some of the sites appeared to be urban. Eleven unresolved sites were set aside for further review. However, on July 1, RHCD transferred its mail processing center and all pending applications from Lawrence, KS to Whippany, NJ, and it was not apparent that these applications needed further review. The other 23 sites were timely posted on the RHCD website on July 8, 2001. A subsequent review in November 2001 discovered that seven of these 11 sites were rural. This delay in posting these applications limits their eligibility for Universal Service support until December 27, 2001, rather than August 8, 2001, as for the other 23 sites. Thus, these seven sites stand to lose more than four months of universal service support due to the Administrator's failure to timely post the FCC Form 465s.

Because 23 of the 30 eligible sites in this network were posted on July 8, 2001, any competitive telecommunications carrier that contacted IHS would have learned that they needed service for 34 (including urban) sites, not just the 23 listed on RHCD's web site. Further, the applicants have stated that no competitive bids were received, and that all sites elected to continue receiving service under FTS 2001 as the most cost-effective option. Although Ms. Wermey's statement that they are "appealing letter dated November 28, 2001 regarding Funding Year 2001 Service Request posting date of December 12, 2001" is unclear as to the relief sought and appears to incorrectly state the posting date of 11/28/01, RHCD has verified that the appellant understands that the delayed posting will limit support. While RHCD has not issued Funding Commitment Letters for these sites, RHCD believes the appellant would be eligible to appeal the reduced support when funding commitments are issued, and it is in the applicants' and RHCD's interest to resolve this issue at this time.

Therefore, for the reasons set forth above, USAC respectfully urges the Commission to consider granting a waiver of the 28-day competitive bidding requirement under the circumstances presented here, so that RHCD may process all 30 applications with the same eligibility date. *See In the Matter of Request for Waiver by Runnemede Public Schools, Runnemede, New Jersey* (rel. Dec. 21, 1999).

Mr. William Caton  
February 8, 2002  
Page 3 of 3

We would be pleased to provide any additional information you may require and to answer any questions you may have about this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Scott Barash', written over a horizontal line.

D. Scott Barash  
Vice President and General Counsel

Enclosure: Letter of Appeal

cc: Lee Ann Werny, IHS

**Wermy, Lee Ann**

---

**From:** Wermy, Lee Ann  
**Sent:** 16 January, 2002 2:43 PM  
**To:** 'rhc-admin@universalservice.org'  
**Subject:** Letter of Appeal - Year 4

Please let this email serve as official notice to appeal the following HCPs for Year 4:

- 1) HCP # 11697  
HCP Name: Stillaguamish
- 2) HCP# 11711  
HCP Name: Yakama Health Center
- 3) HCP# 11713  
HCP Name: Nooksack Tribal Health Center
- 4) HCP# 11715  
HCP Name: Neah Bay Health Center
- 5) HCP# 11718  
HCP Name: Tulalip Health Clinic
- 6) HCP# 11719  
HCP Name: Muckleshoot Tribal Clinic
- 7) HCP # 11722  
HCP Name: Suak-Suiattle Health Clinic

**PURPOSE FOR APPEAL:**

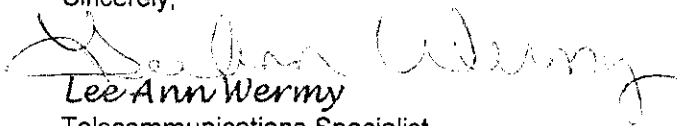
I am appealing letter dated November 28, 2001 regarding Funding Year 2001 Service Request posting date of December 12, 2001. I am not sure why these were processed late and/or differently than all other Form 465s submitted by me on June 26, 2001.

As part of the appeal process, I will also fax this email with a photocopy of the RHCD letter that was received in our office on December 3, 2001. For documentation purposes, I will also be providing a photocopy of the HCP Application Status of Form 465 from the USAC/RHC website which shows these forms were received in your office dated June 28, 2001.

Should you have any questions or need additional information or documentation, please contact me, as I am the person who can most readily discuss this appeal with RHCD.

Your consideration of this appeal is greatly appreciated.

Sincerely,



Lee Ann Wermy

Telecommunications Specialist  
Portland Area Indian Health Service  
1220 SW 3rd Ave., Rm. 476  
Portland, OR 97204

Phone # (503) 326-3527

Fax # (503) 326-2539

email address: lwermy@pao.portland.ihs.gov

PHOTO COPY

OF

RHCD LETTER

HCP#

11697

11711

11713

11715

11718

11719

11722



Rural Health Care Division  
80 S. Jefferson  
Whippany, NJ 07981

www.rhc.universalservice.org  
Phone: 1-800-229-5476

November 28, 2001

Lee Ann Wermey  
PORTLAND AREA OFFICE, Indian Health Service  
1220 SW 3ed Ave., RM 476  
Portland, WA 97204

RE: Funding Year 2001 Service Request for **Neah Bay Health Center**

Dear Applicant:

The Rural Health Care Division (RHCD) of the Universal Service Administrative Company (USAC) reviewed the Form 465 you submitted, and determined that you are eligible to participate in this program. Your request for service was posted on the RHCD Web Site on **November 28, 2001**. Completing Form 465 is the **first** step in applying for universal service support. A complete overview of the process is available on the RHCD Web Site ([www.rhc.universalservice.org](http://www.rhc.universalservice.org)).

All requests for "new service" support must comply with the competitive bidding requirement, which requires Form 465 be posted for bids on the RHCD Web Site for 28 days before reaching an agreement to purchase services. Services purchased under an existing written contract, signed and dated **before** July 11, 1997, are considered "existing service," and are exempt from the posting requirement.

RHCD will post all Form 465s. Unless you are exempt, you must wait 28 days before determining your most cost-effective offer and selecting a telecommunications carrier.

Ideally, telecommunications carriers will contact you during the 28-day posting period, to bid on rates and conditions of providing your requested service(s). It is not necessary to wait for a bid. Proactively contact eligible telecommunications carriers, so you are ready to complete Form 466 (and Form 468) as soon as the 28-day posting period ends.

#### **Next Steps**

- Complete Form 466. Refer to the enclosed Form 466 instructions to complete Form 466.
- Instruct your telecommunications carrier to complete Form 468. Form 468 verifies

the type of service and determines the amount of support.

- If your service agreement is based on a written contract, you must enclose a copy of the contract with Form 466. If your agreement is based on a tariff, you must provide the tariff number and name of the tariff issuing entity in the state.
- Once Forms 466 and 468 are complete, package them with a copy of the contract (s), or documentation of the tariff number and issuer. Mail the package(s) to the RHCD. Failure to include all documents will delay processing of your application.
- The last step in the application process is to complete Form 467. It verifies that you are receiving the approved telecommunications service(s). Complete this form only after you receive a Funding Commitment Letter from RHCD.
- Note: If you should decide to change or upgrade to a new service after you submit Form 467, you must submit a new Form 465 and post for another 28 days to allow telecommunications carriers to bid on your new request.

If you have questions or concerns, please contact the Customer Service Support Center at 1-800-229-5476. Hours of operation are 8AM to 8PM, Eastern Time, Monday through Friday.

Sincerely,

**USAC, RHCD**





Rural Health Care Division  
80 S. Jefferson  
Whippany, NJ 07981

[www.rhc.universalservice.org](http://www.rhc.universalservice.org)  
Phone: 1-800-229-5476

November 28, 2001

LEE ANN WERMY  
PORTLAND AREA OFFICE INDIAN HEALTH SERVICES  
1220 SW 3RD AVE. RM 476  
PORTLAND, OR 97204

RE: Funding Year 2001 Service Request for **SAUK-SUIATTLE HEALTH CLINIC**

Dear Applicant:

The Rural Health Care Division (RHCD) of the Universal Service Administrative Company (USAC) reviewed the Form 465 you submitted, and determined that you are eligible to participate in this program. Your request for service was posted on the RHCD Web Site on **November 28, 2001**. Completing Form 465 is the **first** step in applying for universal service support. A complete overview of the process is available on the RHCD Web Site ([www.rhc.universalservice.org](http://www.rhc.universalservice.org)).

All requests for "new service" support must comply with the competitive bidding requirement, which requires Form 465 be posted for bids on the RHCD Web Site for 28 days before reaching an agreement to purchase services. Services purchased under an existing written contract, signed and dated **before** July 11, 1997, are considered "existing service," and are exempt from the posting requirement.

RHCD will post all Form 465s. Unless you are exempt, you must wait 28 days before determining your most cost-effective offer and selecting a telecommunications carrier.

Ideally, telecommunications carriers will contact you during the 28-day posting period, to bid on rates and conditions of providing your requested service(s). It is not necessary to wait for a bid. Proactively contact eligible telecommunications carriers, so you are ready to complete Form 466 (and Form 468) as soon as the 28-day posting period ends.

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- Note: If you should decide to change or upgrade to a new service after you submit Form 467, you must submit a new Form 465 and post for another 28 days to allow telecommunications carriers to bid on your new request.

If you have questions or concerns, please contact the Customer Service Support Center at 1-800-229-5476. Hours of operation are 8AM to 8PM, Eastern Time, Monday through Friday.

Sincerely,

**USAC, RHCD**



Rural Health Care Division  
80 S. Jefferson  
Whippany, NJ 07981

[www.rhc.universalservice.org](http://www.rhc.universalservice.org)  
Phone: 1-800-229-5476

November 28, 2001

Lee Ann Wermey  
Portland Area Office, Indian Health Service  
1220 SW 3rd Ave., Rm. 476  
Portland, OR 97204

RE: Funding Year 2001 Service Request for **Stillaguamish**

Dear Applicant:

The Rural Health Care Division (RHCD) of the Universal Service Administrative Company (USAC) reviewed the Form 465 you submitted, and determined that you are eligible to participate in this program. Your request for service was posted on the RHCD Web Site on **November 28, 2001**. Completing Form 465 is the **first** step in applying for universal service support. A complete overview of the process is available on the RHCD Web Site ([www.rhc.universalservice.org](http://www.rhc.universalservice.org)).

All requests for "new service" support must comply with the competitive bidding requirement, which requires Form 465 be posted for bids on the RHCD Web Site for 28 days before reaching an agreement to purchase services. Services purchased under an existing written contract, signed and dated **before** July 11, 1997, are considered "existing service," and are exempt from the posting requirement.

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If you have questions or concerns, please contact the Customer Service Support Center at 1-800-229-5476. Hours of operation are 8AM to 8PM, Eastern Time, Monday through Friday.

Sincerely,

**USAC, RHCD**



Rural Health Care Division  
80 S. Jefferson  
Whippany, NJ 07981

[www.rhc.universalservice.org](http://www.rhc.universalservice.org)  
Phone: 1-800-229-5476

November 28, 2001

Lee Ann Wermey  
Portland Area Office, Indian Health Service  
1220 SW 3rd Ave., Rm. 476  
Portland, OR 97204

RE: Funding Year 2001 Service Request for **Yakama Health Center**

Dear Applicant:

The Rural Health Care Division (RHCD) of the Universal Service Administrative Company (USAC) reviewed the Form 465 you submitted, and determined that you are eligible to participate in this program. Your request for service was posted on the RHCD Web Site on **November 28, 2001**. Completing Form 465 is the **first** step in applying for universal service support. A complete overview of the process is available on the RHCD Web Site ([www.rhc.universalservice.org](http://www.rhc.universalservice.org)).

All requests for "new service" support must comply with the competitive bidding requirement, which requires Form 465 be posted for bids on the RHCD Web Site for 28 days before reaching an agreement to purchase services. Services purchased under an existing written contract, signed and dated **before** July 11, 1997, are considered "existing service," and are exempt from the posting requirement.

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- Note: If you should decide to change or upgrade to a new service after you submit Form 467, you must submit a new Form 465 and post for another 28 days to allow telecommunications carriers to bid on your new request.

If you have questions or concerns, please contact the Customer Service Support Center at 1-800-229-5476. Hours of operation are 8AM to 8PM, Eastern Time, Monday through Friday.

Sincerely,

**USAC, RHCD**



Rural Health Care Division  
80 S. Jefferson  
Whippany, NJ 07981

www.rhc.universalservice.org  
Phone: 1-800-229-5476

November 28, 2001

Lee Ann Wermey  
PORTLAND AREA OFFICE, Indian Health Service  
1220 SW 3rd Ave., RM 476  
Portland, OR 97204

RE: Funding Year 2001 Service Request for **Nooksack Tribal Health Center**

Dear Applicant:

The Rural Health Care Division (RHCD) of the Universal Service Administrative Company (USAC) reviewed the Form 465 you submitted, and determined that you are eligible to participate in this program. Your request for service was posted on the RHCD Web Site on **November 28, 2001**. Completing Form 465 is the **first** step in applying for universal service support. A complete overview of the process is available on the RHCD Web Site ([www.rhc.universalservice.org](http://www.rhc.universalservice.org)).

All requests for "new service" support must comply with the competitive bidding requirement, which requires Form 465 be posted for bids on the RHCD Web Site for 28 days before reaching an agreement to purchase services. Services purchased under an existing written contract, signed and dated **before** July 11, 1997, are considered "existing service," and are exempt from the posting requirement.

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Sincerely,

**USAC, RHCD**





Rural Health Care Division  
80 S. Jefferson  
Whippany, NJ 07981

[www.rhc.universalservice.org](http://www.rhc.universalservice.org)  
Phone: 1-800-229-5476

November 28, 2001

Lee Ann Wermey  
PORTLAND AREA OFFICE, Indian Health Service  
1220 SW 3rd Ave., RM 476  
Portland, OR 97204

RE: Funding Year 2001 Service Request for **Muckleshoot Tribal Clinic**

Dear Applicant:

The Rural Health Care Division (RHCD) of the Universal Service Administrative Company (USAC) reviewed the Form 465 you submitted, and determined that you are eligible to participate in this program. Your request for service was posted on the RHCD Web Site on **November 28, 2001**. Completing Form 465 is the **first** step in applying for universal service support. A complete overview of the process is available on the RHCD Web Site ([www.rhc.universalservice.org](http://www.rhc.universalservice.org)).

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If you have questions or concerns, please contact the Customer Service Support Center at 1-800-229-5476. Hours of operation are 8AM to 8PM, Eastern Time, Monday through Friday.

Sincerely,

**USAC, RHCD**



Rural Health Care Division  
80 S. Jefferson  
Whippany, NJ 07981

[www.rhc.universalservice.org](http://www.rhc.universalservice.org)  
Phone: 1-800-229-5476

November 28, 2001

LEE ANN WERMY  
PORTLAND AREA OFFICE INDIAN HEALTH SERVICES  
1220 SW 3RD AVE, RM. 476  
PORTLAND, OR 97204

RE: Funding Year 2001 Service Request for **TULALIP HEALTH CLINIC**

Dear Applicant:

The Rural Health Care Division (RHCD) of the Universal Service Administrative Company (USAC) reviewed the Form 465 you submitted, and determined that you are eligible to participate in this program. Your request for service was posted on the RHCD Web Site on **November 28, 2001**. Completing Form 465 is the **first** step in applying for universal service support. A complete overview of the process is available on the RHCD Web Site ([www.rhc.universalservice.org](http://www.rhc.universalservice.org)).

All requests for "new service" support must comply with the competitive bidding requirement, which requires Form 465 be posted for bids on the RHCD Web Site for 28 days before reaching an agreement to purchase services. Services purchased under an existing written contract, signed and dated **before** July 11, 1997, are considered "existing service," and are exempt from the posting requirement.

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If you have questions or concerns, please contact the Customer Service Support Center at 1-800-229-5476. Hours of operation are 8AM to 8PM, Eastern Time, Monday through Friday.

Sincerely,

**USAC, RHCD**

PHOTO COPY

OF

SUPPORTING

DOCUMENTATION

From:

USAC/RHC

Website

“HCP Application Status”

## HCP Application Status

### Information for HCP #, 11697

- HCP Name: Stillaguamish
- Mail Contact Name: Lee Ann Wermy
- Mail Contact Phone Number: 503-326-3927
- Mail Contact Email: lwermy@pao.portland.ihc.gov

### Form Status

The table below lists each form submitted and its status.  
If you have any questions concerning your application status,  
please call our Customer Service Support Center at 1-800-229-5476.

#### Form 465 Status Info

Form 465 Status	Date Complete or Action
Form 465 Approved	11/28/01 <a href="#">View Form 465</a>

#### Form 466 Status Info

Packet ID	Service Type	Form 466 Status	Date Complete or Action
<a href="#">Create a new Form 466 for this HCP</a>			

### Documents Received in Mail

The table below lists all the mailed documents received by RHCD.

Received?	Date Received
Form 465 Received	6/28/01

### Change My HCP Login Password



## HCP Application Status

### Information for HCP #, 11711

- HCP Name: Yakama Health Center
- Mail Contact Name: Lee Ann Wermey
- Mail Contact Phone Number: 503-326-3527
- Mail Contact Email: lwermey@pao.portland.IHS.gov

### Form Status

The table below lists each form submitted and its status.  
If you have any questions concerning your application status,  
please call our Customer Service Support Center at 1-800-229-5476.

#### Form 465 Status Info

Form 465 Status	Date Complete or Action
Form 465 Approved	11/28/01 <a href="#">View Form 465</a>

#### Form 466 Status Info

Packet ID	Service Type	Form 466 Status	Date Complete or Action
<a href="#">Create a new Form 466 for this HCP</a>			

### Documents Received in Mail

The table below lists all the mailed documents received by RHCD.

Received?	Date Received
Form 465 Received	6/28/01

### Change My HCP Login Password



# HCP Application Status

## Information for HCP #, 11713

- HCP Name: Nooksack Tribal Health Center
- Mail Contact Name: Lee Ann Wermey
- Mail Contact Phone Number: 503-326-3527
- Mail Contact Email: lwermey@pao.portland.ihc.gov

## Form Status

The table below lists each form submitted and its status.  
If you have any questions concerning your application status,  
please call our Customer Service Support Center at 1-800-229-5476.

### Form 465 Status Info

Form 465 Status	Date Complete or Action
Form 465 Approved	11/28/01 <a href="#">View Form 465</a>

### Form 466 Status Info

Packet ID	Service Type	Form 466 Status	Date Complete or Action
<a href="#">Create a new Form 466 for this HCP</a>			

## Documents Received in Mail

The table below lists all the mailed documents received by RHCD.

Received?	Date Received
Form 465 Received	6/28/01

## Change My HCP Login Password





## HCP Application Status

### Information for HCP #, 11715

- HCP Name: Neah Bay Health Center
- Mail Contact Name: Lee Ann Wermey
- Mail Contact Phone Number: 503-326-3527
- Mail Contact Email: lwermey@pao.portland.irs.gov

### Form Status

The table below lists each form submitted and its status.  
If you have any questions concerning your application status,  
please call our Customer Service Support Center at 1-800-229-5476.

#### Form 465 Status Info

Form 465 Status	Date Complete or Action
Form 465 Approved	11/28/01 <a href="#">View Form 465</a>

#### Form 466 Status Info

Packet ID	Service Type	Form 466 Status	Date Complete or Action
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[Create a new Form 466 for this HCP](#)

### Documents Received in Mail

The table below lists all the mailed documents received by RHCD.

Received?	Date Received
Form 465 Received	6/28/01

### Change My HCP Login Password



# HCP Application Status

## Information for HCP #, 11718

- HCP Name: TULALIP HEALTH CLINIC
- Mail Contact Name: LEE ANN WERMY
- Mail Contact Phone Number: 503-326-3527
- Mail Contact Email: lwermy@pao.portland.IHS.gov

## Form Status

The table below lists each form submitted and its status.

If you have any questions concerning your application status, please call our Customer Service Support Center at 1-800-229-5476.

### Form 465 Status Info

Form 465 Status	Date Complete or Action
Form 465 Approved	11/28/01 <a href="#">View Form 465</a>

### Form 466 Status Info

Packet ID	Service Type	Form 466 Status	Date Complete or Action
<a href="#">Create a new Form 466 for this HCP</a>			

## Documents Received in Mail

The table below lists all the mailed documents received by RHCD.

Received?	Date Received
Form 465 Received	6/28/01

## Change My HCP Login Password



# HCP Application Status

## Information for HCP #, 11719

- HCP Name: Muckleshoot Tribal Clinic
- Mail Contact Name: Lee Ann Wermey
- Mail Contact Phone Number: 503-326-3527
- Mail Contact Email: lwermey@pao.portland.IRS.gov

## Form Status

The table below lists each form submitted and its status.  
If you have any questions concerning your application status,  
please call our Customer Service Support Center at 1-800-229-5476.

### Form 465 Status Info

Form 465 Status	Date Complete or Action
Form 465 Approved	11/28/01 <a href="#">View Form 465</a>

### Form 466 Status Info

Packet ID	Service Type	Form 466 Status	Date Complete or Action
<a href="#">Create a new Form 466 for this HCP</a>			

## Documents Received in Mail

The table below lists all the mailed documents received by RHCD.

Received?	Date Received
Form 465 Received	6/28/01

## Change My HCP Login Password



## HCP Application Status

### Information for HCP #, 11722

- HCP Name: SAUK-SUIATTLE HEALTH CLINIC
- Mail Contact Name: LEE ANN WERMY
- Mail Contact Phone Number: 503-326-3527
- Mail Contact Email: lwermy@pao.portland.IHS.gov

### Form Status

The table below lists each form submitted and its status.

If you have any questions concerning your application status, please call our Customer Service Support Center at 1-800-229-5476.

#### Form 465 Status Info

Form 465 Status	Date Complete or Action
Form 465 Approved	11/28/01 <a href="#">View Form 465</a>

#### Form 466 Status Info

Packet ID	Service Type	Form 466 Status	Date Complete or Action
<a href="#">Create a new Form 466 for this HCP</a>			

### Documents Received in Mail

The table below lists all the mailed documents received by RHCD.

Received?	Date Received
Form 465 Received	6/28/01

### Change My HCP Login Password

